

EFFECTIVE DATE: October 23, 1980REVISION DATES: July 1, 1985SUBJECT: Procedures for Dismissals, Suspensions and Disciplinary Demotion  
Actions1. Purpose:

- The purpose of this directive is to set forth the mandatory procedures to be followed by all City departments in the processing of dismissals, suspensions, and demotions of classified civil service employees. This directive also applies to dismissals under Section 2(j) of Rule XVII of the Municipal Civil Service Rules relating to unauthorized absences for a period of two (2) working days. Procedures applicable to the dismissal of probationary employees are set forth in Administrative Directive 4.56, Subject: Probationary Employees.

2. Responsibility:

- It is the responsibility of each department head to insure that these procedures are followed. It is also the responsibility of each department head to inform employees of their appeal rights in the event of disciplinary actions.
- The Personnel Department shall be responsible for insuring that each classified employee is given a hearing before the Municipal Civil Service Commission when such is requested in writing. Employees appealing dismissals, suspensions or demotions must meet the requirements set out in Rule XVII, Section 3. Right of Appeal, Municipal Civil Service Rules of the City of San Antonio.

3. Procedures:Dismissals:

- When a department head determines that dismissal action should be initiated, the department head will submit a written memorandum to the Legal Department requesting that a Notice of Proposed Termination be prepared. A copy of the memorandum will also be sent to the Assistant City Manager in the Office of the City Manager to whom the involved department reports. The memorandum must contain the specific provisions of Rule XVII, Section 2 of the Municipal Civil Service Rules that have been violated and the circumstances surrounding that violation which support the requested dismissal action. The department will submit all information and documentation regarding the incident to the Legal Department, as well as any departmental personnel folder maintained on the employee. In emergency cases where immediate action is required, a verbal request to the Legal Department will suffice, provided that a written memorandum as required above shall be submitted to the Legal Department as soon as possible thereafter.

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- The Legal Department will then prepare a Notice of Proposed Termination which will be sent to the requesting department head for signature. The department shall then be responsible for serving the Notice of Proposed Termination on the employee. The department will insure that the employee acknowledges receipt of the Notice of Proposed Termination and that the person serving the Notice on the employee signs as a witness. If the employee refuses to sign the Notice of Proposed Termination, the witness will indicate such fact on the Notice. A Notice of Proposed Termination does not terminate an employee; therefore, the employee remains on the job unless circumstances require that the employee be placed on Administrative Leave With Pay, such as fighting or other disruptive behavior if allowed to remain on the job. Department head approval is required for Administrative Leave With Pay.
- An employee will have five (5) working days from the date of receipt of a Notice of Proposed Termination to submit a written response to the department head.
  - A. If an employee submits a written response within the five (5) working day period, the department will review the proposed termination in light of the written response. After consideration of the written response, the department shall notify the Legal Department in writing of its determination to issue a Notice of Final Termination or of its decision to take other than termination action as a result of the written response of the employee. The department shall be responsible for insuring that a written response is provided to the employee within five (5) working days of receipt of the employee's response.
  - B. If the employee does not submit a written response within the five (5) working day period, the department will so notify the Legal Department which will then prepare a Notice of Final Termination.
  - C. Department heads shall not consider responses that are not timely submitted, unless the response itself discloses good cause as to why the response was not timely submitted. The department head's determination as to whether good cause exists shall be final. In cases where the department head decides to consider an untimely response, or in cases where consideration of the response and a response to the employee requires more than five (5) working days, the department head shall notify the

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employee in writing prior to the expiration of the five working day period that additional time is required to adequately consider the response and state the date that the department head shall give a final written decision to the employee.

- The Legal Department shall thereafter prepare the Notice of Final Termination which will be sent to the department head for signature and then forwarded to the Employee Relations Division of the Personnel Department for service on the employee. An employee then has ten (10) days, not including Sundays and legal holidays, after receipt of the Notice of Final Termination in which to appeal his/her termination to the Municipal Civil Service Commission in accordance with Section 3 of Rule XVII of the Municipal Civil Service Rules. Questions concerning appeal procedures should be referred to the Employee Relations Division of the Personnel Department.
- Department heads and the Legal Department shall be notified by Personnel when an employee appeals and a hearing is scheduled.
- At the conclusion of each hearing, the Commission, will within twenty-four (24) working hours, submit its recommendation to the City Manager through the individual in the Office of the City Manager to whom the involved department reports. A copy of the Commission's recommendation will also be delivered to the involved Department Head.
- In the event an employee resigns after receipt of a Notice of Proposed Termination, the department shall insert the following statement in the Long Term Leave Notice: "Resigned after receipt of attached Notice of Proposed Termination". The department shall transmit a copy of the Long Term Leave Notice and the Notice of Proposed Termination to the Employee Relations Division of the Personnel Department for filing in the employee's permanent personnel file.

Dismissals for Unauthorized Absences of Two Work Days:

- In cases involving terminations of employees for unauthorized absence from work for a period of two consecutive work days as provided for under Section 2(j) of Rule XVII of the Municipal Civil Service Rules, the same procedures outlined above for dismissals shall be followed. However, the employee shall be placed on a Leave Without Pay status while the dismissal request is being processed. Calling to work by an employee after a two consecutive work day unauthorized absence shall not result in a revocation of any termination action undertaken by

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the department, and the termination action shall proceed to a final decision by the department head.

- The Employee Relations Division of the Personnel Department shall be responsible for sending the Notice of Proposed Termination and the Notice of Final Termination to the employee by certified mail.

Suspensions:

- The Department Head has the authority to suspend employees under his/her jurisdiction in accordance with Rule XVII of the Municipal Civil Service Rules.
- There will be instances where some doubt may exist as to whether or not a suspension is justified. In these instances, the Department Head may contact the Legal Department for an opinion. All pertinent material and documentation relating to the incident should be furnished to the Legal Department along with the request for the opinion. The Legal Department will render an opinion as soon as possible after receipt of the request.
- If an employee is given a suspension, the appeal procedure and time limits must be typed on the face of the Notice of Suspension. Example: "You have ten (10) days, not including Sundays and legal holidays, after receipt of this suspension, in which to appeal this suspension to the Municipal Civil Service Commission. The office of the Commission is located on the Second Floor of Plaza de Armas in the Employee Relations Division of the Personnel Department." The employee must sign and date the "Notice of Suspension, Leave, or Termination." In the event an employee refuses to sign the Notice of Suspension, this should be indicated on the Notice of Suspension and witnessed by a third individual with signature and date. The ten day appeal period begins the day following the date the employee signed the suspension.
- The same policies regarding hearings and Commission recommendations will apply to suspensions as stated above for dismissals.

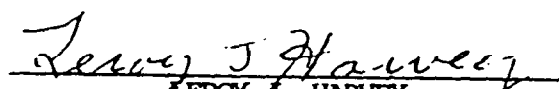
Demotions:

- If a Department Head feels that the demotion of a permanent employee is necessary for disciplinary reasons, the Department Head will

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contact the Legal Department by written memorandum. This memorandum must contain the specific reasons for the recommended demotion. All pertinent material and documentation will be submitted with the memorandum.

- Upon receipt of a request for demotion action, the Legal Department will review all information and advise the Department Head, in writing, if the action is justified. The final decision will rest with the Department Head. If the demotion action is deemed necessary, the Legal Department will immediately prepare a letter of demotion. This letter will be delivered to the employee by the Department Head or designated representative. After the employee has been served, the original of the letter of demotion (bearing the employee's signature and date of receipt) must be delivered to the Municipal Civil Service Commission (Employee Relations Division of the Personnel Department, Second Floor, Plaza de Armas).
- Employees also have ten (10) days, not including Sundays and legal holidays, in which to appeal a demotion for disciplinary reasons.
- The same policies regarding hearings and Commission recommendations will apply to demotions as stated above for dismissals and suspensions.

  
LOUIS J. FOX  
City ManagerDATE: Jan 26, 1985  
LEROY J. HARVEY  
Director of PersonnelDATE: Jan 26, 1985